NOTES FROM THE MEETING OF
THE KLAMATH FISHERY MANAGEMENT COUNCIL
MILLBRAE, CALIFORNIA
MARCH 10, 1991

Meeting called to order at 12:05 p.m.

Motion:

(McIsaac): I move to postpone meeting until 1:00 p.m. (Because of late arrivals of KFMC members.)
Second to motion by Bingham.

** **Motion carried.** **

Meeting re-convened at 1:13 p.m.

Members present: Bingham, Hayden, Marshall, McIsaac, Masten, Odemar (for Spike Naylor), Overberg, Smith, Warrens, Wilkinson

Absent: Fullerton, Bostwick

Agenda item: Adoption of agenda

(Masten): Mel Odemar is sitting in for Spike Naylor. Is there a motion to adopt the agenda?

Motion:

(Odemar): Move to adopt the agenda.
Motion second by Bingham.
** Motion carried. **

(Masten): Any changes to agenda? Hearing none, it stands as put before us.

Agenda item: Report on Technical Advisory Team modeling efforts (Attachment 2)

(Masten): It should be stated that this report comes via the chairman's request, rather than by the council's request.

(Barnes): I will go through subject by subject, I propose not to go into details until questioned. In the first run on harvest rate combinations (Table 1) we used the natural escapement floor of 35,000. The model yielded an escapement ranging from 34,900 to 35,200. The 35,000 natural spawner escapement target was put in as a floor. We also provided an in-river run of 12,000 fish for the hatcheries.

(Odemar): Looking at the right hand column of Table 1, you start with a 15% allocation for in-river sport allocation. For example, for an in-river harvest rate of 0.25, 1700 river sport divided by 11,200 total river harvest equals .15. The in-river harvester's agreement is for an 80% - 20% Indian/sport split when in-river harvest is below 23,000.

(Barnes): Are you talking about net and sport fishery?
(Odemar): Yes. The 1986 agreement called for an in-river harvest (when the harvest would be from 0 to 23,000 fish) would be a tribal net harvest of 18,500 fish and a sport harvest of 4,500 fish, which is split of 80% - 20%.

(Polos): I'm not sure how the team modeled this, but the model could be adjusted. You'd like it done according to this '86 agreement?

(Odemar): It's the only thing we have to go on. I'm not aware of any other allocation agreement. This year (1990?) was unusual because we were below the escapement floor.

(Hayden): So it doesn't apply here?

(Odemar): Looking at the figures in Table 1, from the ocean harvest rate options of .12 to .19, the in-river harvest rate for the sport fishery is less than 20%.

(Marshall): The agreement said 18,500 fish is the Indian's minimum need.

(Barnes): We can calculate at .80 and .20 for the model. Any other questions? (No answer).

(Barnes): As requested by the chairman in the last meeting, we looked at impact rates on chinook outside of the Klamath Management Zone (KMZ). Looking at Table 2 (Attachment 2), it gives a break-down by port area. For S. Calif., there is quite a variation in sport ocean landings. Impacts to Klamath River stocks are low, even though the sport fishery catch is high. Also, since we don't have Coded Wire Tag (CWT) information on the sport fishery outside the zone, we looked at all the data available. Looking at Table 3, you see the annual contribution rates within the KMZ. This gives an idea of the difference in contribution rate of the commercial and recreation fisheries. Averages are given for '86 to '90 at the bottom of the table. You can then apply that average ratio of 2.4 to 1 and put it into table 4. For example, in 1986, for Age-3 chinook, the commercial impact in N. Oregon is 2,704 fish. Multiplying by 3% yields an estimate (not shown in the Table) of what the sport impact would be if the contribution rate of Klamath chinook were as high in the sport fishery as in the troll fishery. In fact, it is 2.2 times lower, so we divide by 2.2 to yield an estimated sport fishery impact of 37 fish.

(McIsaac): Looking on Table 4 (Attachment 2), the 1990, Age-4 column shows a total sport harvest rate of 5.11%. The rate inside zone was 2-3%. Is the impact on Klamath River stocks outside the KMZ the same as inside the KMZ for the sport fishery?

(Baracco): From a rate standpoint? The commercial fisheries outside the zone was about the same rate as the fisheries inside the zone.
[Note keeper needs clarification on this answer. Alan seems to be answering for commercial harvest when the question was for the sport harvest impacts.]

(McIsaac): The pre-season report said the 1990 sport harvest was supposed to be 3%. This report shows 5%. Is it correct to assume a greater impact on Klamath stocks outside the KMZ rather than inside the zone?
(Baracco): Yes, because of numbers of fish inside and outside the KMZ. Of the 40,000 fish harvested inside the KMZ, 3% were Age-4 Klamath River fish. Some other number was caught in the sport fisheries outside the zone, which was a 5% harvest rate on Age-4 Klamath River stocks. We calculate this by looking at CWT returns in the commercial fisheries.

Q: Is this because of the high catch in Coos Bay, last year? The harvest rates of Age-4 fish in the four preceding years were 1% to 2%. Last year it was 5%.
(No Answer)

Q: Is it true that the sport fisheries outside the zone have the same impact on the harvest rate as inside the zone?
A: Yes.

(Barnes): Looking back at Table 1, I'll give you the new harvest numbers calculated at the 80%-20% Indian/sport split.

Harvest Rate Combination	Inriver Net Harvest (Indian)
0.19/0.25	8960
0.18/0.26	9440
0.17/0.27	9840
0.16/0.28	10320
0.15/0.28	10480
0.14/0.29	10960
0.13/0.30	11440
0.12/0.31	11920
0.11/0.32	12,480
0.10/0.33	12,880
0.09/0.34	13,440
0.08/0.35	14,000

(Barnes): Baracco and Dixon got information on the sport fisheries from Joe Lesch (Calif. Dept. of Fish and Game), and summarized on some tables. The ocean sport fisheries presented three options that they wanted us to consider in the model. (Option C, page 6 of Attachment 2) The bottom line is that when all the sport options are modeled, the harvest is reduced only by about 20%.

(Odemar): In Option 2, the restriction of 1 chinook per bag limit was to be initiated in July, not June. Also, when you modeled Option A, on KOHM, (Table 9, Attachment 2), did you model the 5-2 closure?
(Baracco): All options, including Option A, recognize that some reduction in fishing effort will occur. We arbitrarily put the reduced effort at 80%. We had nothing specific to go by, but there is an overall decrease in effort. We did it this way for simplicity.

Q: You did model only 1 chinook during entire month of June. And you only get 20% savings?
(Baracco): It doesn't really translate over to KOHM outputs. Any number of combinations such as a day-of-the-week restriction, and bag limits of 1 chinook only, would equate to 20% reduction in impact. (Looking at table 5, sport fishery in KMZ)

Q: A 2 fish bag with 1 chinook only, for the entire season gives a 20% reduction?
(Baracco): Yes. This is modeling a 7 day per week fishery. To achieve 20% savings with day-of-the-week closures would probably require more than a 2 day per week closure, by this analysis. We didn't model down beyond this closure level.

(Barnes): Assuming the 20% reduction in sport harvest, and modeling the options, the harvest rate goes out of the range of Fullerton's options he requested we model. It doesn't take much of a season to get above the range.

Q: Are you talking about the sport fishery harvest reduction of 20%?
(Barnes): Option A of Table 9, Attachment 2, is the only one that results with numbers in the range given in Table 1. Looking at Option D, you'll see that it gives a harvest rate of Klamath River Age-4 stocks of 27% and gives an in-river harvest of 7,000 fish.

Q: Table 9,. Options A to D. Could you tell me what those options would do to in-river fisheries?
(Barnes): Applying the 80%/20% split, Option A yields 9600 fish for in-river net harvest, the balance going to sport fishery. Option B, 5600 to in-river

harvest, 1400 to sport fishery. Under Option C, 560 to net harvest and 140 to the sport fishery. Under Option D, you don't meet spawning escapement, even with a 0/0 Indian/sport harvest.

Q: Any estimate of how much the N. Oregon cell and S. Calif. cell would have to be reduced? Option A is the most conservative model. Did you come up with an option more in the midpoint?
(Baracco): We only model what we're told to model. When modeling for area closures, the convention is to shift half the effort [effort or harvest?] from the closed area to the most adjacent open area. The harvest rates for all options resulted in a reduction where the Coos Bay cell is affected. We modeled complete open or closure within each cell.

Q: Of the ocean harvest rate taken in the Coos Bay area, can you estimate the fraction taken south of Cape Arago?
(Baracco): Depends on what closures have been imposed in other years. Impact rates are variable. You've seen part of the Coos Bay cell closed in the past. When the bottom part of it is closed, it kicks up the impact rate in the northern part. I can't give a quantity.

Q: Your model showed (Table 9) that the Coos Bay cell harvest would have to be eliminated to reach an ocean harvest rate of 0.17?
A: Yes.

Q: Within the Coos Bay cell, supposing fishing over all parts, are there more fish in the south end rather than the north end?
A: Yes. If the southern end of the cell is closed, impacts in the northern end go up. This is due to a shift in fishing effort, and because fish enter and exit the area north of Arago because they haven't been caught south of Arago.

Q: How dynamic is this model?
(Baracco): It can be modeled on a monthly basis.

Q: At the bottom of Table 8, there's a matrix describing 1991 Klamath River chinook stock contribution by month and by cell. Is this used as a base, and when one of the cells is modeled as being closed, do assumed effort and harvest rates shift?
(Baracco): Yes, but it is not a straight function. For example, compare the calibration run (Table 8), with the projected harvest figures for a 1991 ocean harvest rate of 17% (Appendix Table A1). For the Northern Oregon/May cell, the expected catch goes from 60 to 130, because of closure of the Coos Bay area in May.

Q: Is that base an average of last 5 years?
(Baracco): Yes. It depicts average of 5 years of information on harvest effort and fish distribution in the model, and assumes expected 1991 stock strength.

Q: This projects numbers based on other stocks?
(Baracco): Yes. The model projects contribution rates.

Q: Looking at Table 8, Age-4 Coos Bay cell fish for 1991 calibration on KOHM, projects 7,400 Klamath River fish taken in this cell. Is that correct for the entire area?
A: Yes.

Q: If the cell were closed, you don't show saving of all 7,400 fish.
(Baracco): The more fish you save, that many more fish are available for harvest later on.

Q: What percentage of savings did you account for?

(Baracco): I can't really estimate. The model reduces, the Klamath R. fish in each cell, month-by-month. The rates are applied to the number of fish that were not harvested previously in other zone fisheries. Option A, for N. Oregon, when everyone is fishing full-time, they'd catch 440 Klamath R. Age-4 fish for the season (Table 8). If nobody's fishing these stocks in adjacent cells (Appendix Table A1), they'd catch 1,020 Age-4 Klamath R. fish, because of the increased abundance.

Q: Looking at Table 9, under Options A, B, and C. I've been told under Option A, the Coos Bay area would be closed. And in Option B, the Coos Bay area would open in July for 2 weeks. Correct?
(Baracco): Yes, and still nothing within the KMZ.

(Masten): I want to remind everyone that your comments on last meeting's minutes are due at KRFRO in 10 days (3-20-91). I would also like to add to the agenda, the discussion of the KFMC long-range plan public hearings process.

Agenda Item: Council discussion of harvest options:

Non-hoopa Indians (see attachment 3).

(Masten): My position remains the same. We looked at a proposal from the troll industry. We looked at it, and had a short discussion, that's it. I don't think it's necessary to read my statement, it's the same as last statement. Everyone is familiar with my position. I'm concerned that council members have a wrong perception of my original intent, and the reasons behind it. I'm concerned about where we're headed in the council process. I'm not sure how we'll deal with it in the coming years. I have great concerns about how non-Indians perceive the Indian fishing rights as equal as the commercial fishery in the ocean. I've asked in the past, that we look into federal law regarding Indian fishing rights. These are fundamental issues we can't seem to come to terms with. I've tried to be optimistic. In earlier discussions regarding bad years, the Indians were to be the one's to benefit. Those were the years when the Indian fisheries would have the majority of the fish. It's disheartening to discover where we are this year. People are still wanting to negotiate below minimum needs. We're looking at extreme closures, tough times. My people have missed fishing opportunities for 50+ years, and only minimal commercial harvest for 3 years. They'll not have an opportunity this year. I'm in a situation where I fight for subsistence harvest. I'm disappointed.

Hoopa Tribe:

(Marshall): I made an earlier statement that I'd only support the .12/0.31 harvest rate combination option (Table 1, Attachment 2). I'm concerned about the failure of this council process over the last five years. The Hoopa tribe is concerned about the Dept. of Interior's position of 12,000 fish. This falls 10,000 short of meeting Indian subsistence and ceremonial catch needs. We cannot support any negotiation at that level of harvest in the coming week. We have negotiated in-river harvest and identified 18,500 as minimum subsistence need for the Indian fishery. We have asked that NOAA review the Magnuson Act. The harvest allocation process is supposed to begin by determining needs of the tribes. That's where PFMC must begin at the conclusion of the 5 year agreement. It's a bad year and I hope that some of us can remember the compromises the Hoopa Tribe made in the beginning of this agreement. We compromised, hoping the agreement would survive. We suffered as a consequence of our compromise. Now, we're viewed as an easy mark and ignored. We've seen allocation reduced over the last 3 years. I can't see much else we can do here.

(Warrens): I can't find linkage of Hoopa and non-Hoopa tribes in 25 CFR 250, nor the Magnuson Act.

(Marshall): The Magnuson Act does not refer to specific tribes. We believe the congressional record of "harvest rights" is the place to begin in terms of allocation. In discussing 25 CFR 250, (the federal code that applies to Indians) I'll defer to Karole Overberg.

(Overberg): CFR 250 is a published regulation on fishing codes. What do you want to know about it?
(Warrens): 25 CFR 250.5.3, doesn't mention anyone other than the Hoopa Tribe.

(Overberg): The BIA has updated regulations which are in draft. Regarding the Settlement Act and the splitting of the reservations; each year we make note of the 1988 separation of Hoopa and Yurok reservations and clarify that. But until the new regulations are completed and approved, it won't have this language. Our legal people said that until membership lists are completed, pre-season regulations define who is eligible and who's not.

(Warrens): Lyle stated that he supports .12/.31 harvest rate. What are the implications?
(Marshall): I feel the non-Hoopa representatives took two positions. One, to abide by language in the agreement, and to abide by the 12,000 fish minimum subsistence need. This was an attempt to reach consensus on a option we could agree on. That didn't happen. I would support it today, but see some real implications that could cause problems.

<u>California ocean troll:</u>

(Bingham): Would like to make my statement after Oregon troll representative speaks, if OK.
A: OK.

<u>Ocean sport:</u>

(Hayden): I must point out that the tech. team says the ocean sport fishery takes 4-5% of fish, overall. There's a lot of effort going into how to save a few fish. I'm concerned that difficult regulations coming forth from these meetings could have long-term economic effect on the sport fishery. The restrictions must be understandable. That will give long-term economic benefits. The sport fishery has a different need than other fisheries because we don't have to harvest fish to be successful. We need time on the water.

Q: Are you implying that the folks fishing in the south are not able to understand the regulations?
(Hayden): No. In other parts of Calif., the season starts earlier and run later in the year. If you have one dampening measure it can be understood much easier than many. I'm asking for a simple regulation. Variations to the sport fishery only save .25 of 1%. The harvest reductions can be achieved elsewhere and won't impact other fisheries as much.

Q: What about a 10 day block closure in early July. That's simple and effective.
(Hayden): We've asked not to have that type of a closure. Our minimum need of a Memorial Day to Labor Day season wouldn't be met.

Q: It's clear every fishery on the west coast will be impacted by low fish abundance, and minimum needs are not going to be met. What is the zone sport fishery offering up as equitable reduction?
(Hayden): We've given up a lot already, and are now being reduced further. Others are concerned that there is no sharing of pain, but this can be done in

a manner which will have minimum impacts to the economics of the fishery. One thing that hasn't been considered is a possible drop in effort this year because of publicized low runs.

Oregon ocean troll:

Wilkinson read position statement letter (Attachment 4).
No further discussion.

California ocean troll:

(Bingham): I'm sorry that the 5-year agreement hasn't worked out. I had hoped it would lead to a new understanding for those of us involved in this resource. I agree that minimum needs haven't changed. As ocean fishermen, we've seen increased levels of restrictions, when we saw this happening, we tried to renegotiate in this council to achieve minimum needs. Harvest reductions imposed on the commercial fishery have been disproportional in the past. It's caused economic hardships. Nobody will be at their minimum needs this year. One data point was thrown out in the predictor model, which affects us. As long as I'm at this table, I'm going to work to assure the commercial fishery has a future. We must protect the resource. River flows and habitat concerns must be addressed. The north coast fishery is a thing of the past. Crescent City, Trinidad and Eureka fishermen have had to quit fishing and change careers. We did propose a compromise offer that would have been a win/win proposal. We'll use every Klamath River fish in our allocation for access to other stocks. Survival is our goal for this year.

In-river sport: (In-river sport representative not present).

Discussion by council members:

- In-river sport fishery is self regulating. Savings with increased regulations is minimal.
- Council members should not speak for the in-river sport representative.
- A request from Odemar to stay with the 80%-20% split.
- Even though sport fishery is self-regulating, harvest this year would be too high, should be reduced by 50%.

(Masten): It's appropriate that the Interior representative restate the position presented in last month's meeting.

Q: Could you read your statement Sue?
(Masten): In the interest of time, I'll get copies and distribute to everyone, (Attachment 3). It is essentially the same as what we presented at the last KFMC meeting.

Department of Interior:

(Overberg): Since last KFMC meeting, BIA submitted a letter to PFMC explaining the position we're taking with regard to the tribe's harvest. We've prepared a plan that will ensure taking of at least 12,000 fish for the tribes. We expect PFMC to work with those numbers and present them to the Secretary of Commerce. Because of abnormal year and reduction of tribal harvest in past few years, the BIA decided we must protect at least the 12,000 harvest level. This is based on the trust responsibility of the federal government has to Indian tribes. This is reflected in various executive orders, from which the federal government has a policy on how to deal with tribes. It's important to note that trust responsibility is not spelled out in every treaty. The federal government deals with tribes on a government to government basis and BIA is instrumental in this. The federal government has the responsibility to protect natural resources of all of the tribes. With respect to this process,

the Secretary of Interior has that responsibility. Any additional fish, above the 12,000, would be made available through the PFMC and KFMC allocation process. We insisted the 35,000 minimum floor be maintained. Protection of resource is #1 concern of tribes. If there are additional fish, we participate in this process of allocation, but this isn't the case this year. The subsistence number taken over the last 5 years has averaged 22,000. The level called for in the in-river users' agreement is 18,500 fish. Even with 12,000 fish, not more than a couple of fish per person will be provided. I feel this doesn't meet the minimum need.

Q: Could you explain what the BIA has done to protect minimum water flows since they have this trust responsibility?
(Overberg): Hoopa tribe has done much work. They have employed hydrologists, and are doing minimum flow needs studies. Small amount of money has been received, but larger funding requests are in Washington D.C. now.

(Warrens): I'd like to call attention to a letter written by Mr. Schwarz, chairman of the PFMC to Mr. Jaegar (Attachment 5) in response to a letter from Mr. Jaegar to chairman Schwarz (Attachment 6). The quantification of floor and entitlement is in question with the PFMC. The letter refers to paragraph 10 of the agreement, which dictates discussions will occur, and 12,000 fish is used as an example of an emergency year. Other language in the agreement seems to support that process. The PFMC's view of the 12,000 is that it is still a negotiable number, to be discussed and set.

Q: What authority does the PFMC have to allocate harvest for Indian tribes?
(Warrens): I would have to take your question under specific advisement to answer it. Unless allocation is set specifically, the PFMC allocates the resource according to all users concerned.

(Masten): I would like this question raised in the PFMC meeting this week. I did hear that the council said they didn't have authority.

(Warrens): I'd ask that this question be provided in writing for submittal to the council.
(Masten): OK.

***** Action *****
Masten to provide the preceding question to Frank Warrens, for consideration at the PFMC meeting, convened 3-12-91.

Agenda item: Discussion to eliminate unacceptable options:

(Masten): What does council wish to do at this time?
(Wilkinson): I believe that this discussion should be after public comment.
(Masten): I Agree.

Motion: (Bingham): I move to have this discussion after public comment.

(Smith): We should discuss the BIA position first. By this position, 12,000 fish, which translates to .12 ocean harvest, this limits the acceptable options from the Interior. Is this a published option?

(Overberg): Yes it's published. This number is considered non-negotiable.
(Warrens): Speaking for the PFMC, we do not view the BIA option as binding at this time. I would submit that the PFMC would look at the 5 year agreement, paragraph 5, which recommends a proportional reduction in harvest.

Q: Why does the PFMC look at the agreement now, when they have viewed this as inadequate in the past?
(Warrens): Can't speak to that.

(Marshall): I'm incensed by the stated PFMC position.

Q: Karole, what is your feeling the Secretary of Interior's position is on the 12,000 limit? What have you heard that supports your contention that this would be supported by the secretary. You've taken a bold step by publishing this harvest rate intention.

(Overberg): The letter is a letter of support, reaffirming the trust responsibility The BIA has always had the authority, as the responsible government entity of tribal natural resources. Based on that and discussions within the BIA, the decision was made to pull these fish out, to make clear to everyone, that they must be included in the allocation process. The Secretary of Interior strongly supports the BIA position of protecting the trust responsibility.

(McIsaac): The 12,000 number seems to be very firm. I was hoping this council could come up with consensus. Are you suggesting that many fish will be caught, regardless of what happens in the future?

(Overberg): If stock collapses, we would reduce accordingly because escapement is primary concern. Assuming predictions are accurate, we do expect to take 12,000 fish. If predictor goes the other way the tribes would expect to utilize those additional fish as well.

Q: What if a creative idea came from this council, would the BIA still publish the 12,000 harvest?
(Overberg): If something was offered up and the tribes agreed, I'm sure we would be able to adjust. It would have to be recommended by the tribes.

Public Comment:

Dave Bitts -- Humboldt Fishermen's Association:
- There are no acceptable options on the table, and that is why the council was unable to come to consensus.
- The BIA has not supported the Klamath River flow trust responsibility.
- We did better at harvest sharing before this council took over.
- At the time of negotiation of the 1986 agreement, I don't recall the assertion of the superior Indian right.
- Our disagreements have kept us from acting effectively to put water in the streams, which may have kept this situation from occurring.

Jared Williams -- Ft. Bragg fisherman:
- Everyone singing doom and gloom. I think it's an amplification that this management scheme can't work. The modeling efforts are not accurate.
- I hope excess fish will be there this year.

Jim Walters -- Eureka fisherman (charter boat operator):
- I don't see an opportunity for the ocean sport fishery this summer. I can't sign off on any options presented. I can't sell a ticket with a 1 fish limit.
- No options presented are workable, but maybe you should consider a combination.
- Data isn't accurate, so what do we know in the KMZ if we don't have a commercial fishery in the zone. Historical information could be used. Water problems and habitat problems haven't been fixed.
- I can't sell my boat now because nobody will buy it. The fishery isn't there.
- The BIA can have the biggest impact to fixing the water issue problems.

Mike Morford -- speaking as an individual:

- At the last meeting, Barnes gave an update on the tech team's analyses on CPUE modeling. The tech team doesn't make recommendations, but I would as this council to consider asking the PFMC to use CPUE for an inseason modeling tool.

Q: Has the tech team recommended that?
(Barnes): No. We presented the facts, didn't make recommendations. We presented data showing strong correlations.

Q: Didn't we move to recommend the PFMC consider this modeling technique?
(Masten): Yes, for review but not for adoption.

(Warrens): A methodology must go through the full SSC review, which would enable it to be considered for adoption next year.

Q: Is it going forth for review?
(Warrens): Not sure.

(Masten): We trust that you forwarded that.

Richard McCovey -- Yurok Fishers Association:

- The Klamath R. fishery is on its knees. Is it doom and gloom that we are trying to manage stocks accordingly?
- When talking about fixing things, the PFMC issues permits for the factory boats. There's so much small money involved here. The PFMC is considering other big money interests. Incidental catch can wipe out everyone involved in the Klamath fishery. PFMC must be addressed in this way.

(Warrens): Factory Trawl whiting fishery is domestic this year, going back to 1990 regulations, the only way we can control is to go back to emergency regulations.

(Masten): This will be considered Wednesday in the PFMC meeting. Also, the BIA is currently in discussions with Secretary of Interior over water issues.

Del Robinson -- BIA:

- I sat through every negotiation in the 1986 agreement. I know what they meant at that time. Indian fish were to come first in emergency years. I urge that you get the tapes and review what was said, before any of you contradict what was said. The agreement was signed by folks in this room.

John Wilson -- Ocean fisherman:

- I'm disappointed that the agreement isn't being adhered to. Harvest share in agreement hasn't been provided to anyone this year. Sue, If you consider towns from FT. Bragg, there's no fishery there, so our minimum needs are not being met.
- The ocean users have tried to provide proposals, which have been turned down. What is the true interest, to obtain the minimum subsistence needs or make the ocean harvesters pay in this reduction.
- If the BIA feels 12,000 fish is an acceptable level of Indian share, why don't they enter into an agreement to obtain those fish, rather than wait for the PFMC to force them into a situation? If you set a bottom line, you have to be flexible to let those limits be met.

Tom Jones -- Eureka charter boat owner:

- I'm in Eureka, but fishing now in Santa Cruz. I see a controlled fishery in the North, and uncontrolled in the south. The biologists

in Eureka are doing work, but none in the south. The season on the lower end was cut by 30 days, and no opening weekend. Lots of people are catching fish this year, the fish are there.

- Sea lions are taking large number of fish. Sea lions are moving north. The problems already brought up about water and whiting fisheries are important.

End of comment period.

Agenda: Discussion to eliminate unacceptable options:

(Masten): What are the wishes of the council?

(Hayden): I'd like to consider CPUE this year. If we're creative we might use it in a test fishery, a brief open period, using data resulting. I defer to the tech team to design it. If results indicate many fish, we'd open the season, if not there, then close it.

(Masten): We did consider this CPUE, and came up with an acceptable recommendation. We recommended the PFMC SSC review the CPUE technique. I understand that this is all we can do this year.

(Warrens): A few years ago, a new methodology was introduced mid-season. the PFMC formulated a process to evaluate new methodologies to prevent this from happening again. The CPUE will not be used this year because of the process.

(Odemar): The predictor only works for May on 3 year olds in the FT. Bragg fishery. This would not be the year to use it.

(Bingham): If we'd had this in '87, there would have been more opportunity for in-river harvesters.

(Hayden): This wasn't a motion, but a suggestion for discussion. I was hoping to agree on a test fishery in FT. Bragg, in May.

(Masten): We've taken action on this issue in past meeting.

(Marshall): We should discuss harvest options, as on the agenda. Since no consensus can be met, I suggest we adjourn.

(Masten): Does anyone want to propose options for harvest rates?

Motion:

(McIsaac): I offer a set of two options; 1) .19/.25; and 2) .12/.31 harvest rate options package to go forward for PFMC consideration.
Motion second by Warrens.
** Motion failed **

Motion:

(Bingham): Motion to recommend .20/.08 ocean/in-river harvest rate.
Motion second by Wilkinson.
** Motion failed **

Motion:

(Marshall): Motion to recommend 0 to .12 ocean harvest rate.
** Motion failed **

Motion: (Marshall): Move to adjourn.

(Masten): We're not through with business. The long-range plan public review process is on the agenda.

(Odemar): At the ocean users meeting in Eureka, we reached consensus for the options (Option C., Attachment 2). In order to get any commercial fishery in the Coos Bay area, it will take fish away from other zones. I ask this council to look at other ways of controlling the sport fishery. We agreed, at the ocean users meeting, that a bag limit of 1 fish per day was unacceptable. I would like this council to recommend sport fishery reduction measures to PFMC. If this council doesn't make a recommendation, PFMC will go their own way.

(Warrens): I suggest the chairman devise a sub-panel to discuss all management measures available to the zone fisheries, to bring it in line with appropriate reductions, to present to PFMC.

(Bingham): It would be helpful for those here to provide your input to PFMC, all users must try to obtain their goals.

Motion:

(Warrens): If it is appropriate for this council to assign an ad-hoc committee to address the sport fishery, I recommend Jim Walters, Jared Williams, Jones, to address these issues and report to Phil Bentivegna (SAS subpanel). Motion second by Bingham.

(Masten): This council can't direct them, but can ask them to do this.
(Warrens): The motion is for this council to request formation of ad-hoc committee to act as advisor.

(Marshall): As he is their representative, they would caucus with him anyway.

(Hayden): I think it's inappropriate for this group to do that. We don't assign work for other groups to do this.

(Warrens): I think it's going to happen whether we agree to this or not. I think it gives it a little more emphasis.

(McIsaac): Shouldn't we recommend to the PFMC that they listen to the local experts on this issue?

Q: Why are these people being selected over everyone else?
(Warrens): These folks are experienced. If there's someone from the private sector that wants to join that committee, I support that. We need to come up with recommendations to the PFMC of how the sport fishery wants its reductions.

(Masten): Mel could identify those that are here to discuss this. His concerns expressed here are that the ocean user group had unacceptable options, and wants those that were agreed to by consensus at the ocean user meeting be considered and presented to PFMC. I understand this motion to identify the desireable options, so PFMC can structure the season to meet the needs. If Mel can identify those individuals, this may help to meet the needs of the industry.

(Odemar): I urge that those sport fishing representatives provide me with input.

** Motion failed. **

Motion:

(Hayden): I move that we consider CPUE modeling. We should entertain idea of test fishery at Fort Bragg, with the thrust of being a season setting effort rather than a method study.
Motion second by Bingham.

** Motion failed **

(Masten): I would bring up the whiting fishery for consideration.

Motion:

(Bingham): I move that we recommend that PFMC put regulations in place to regulate the take of salmon in the whiting trawl fishery, and the factory trawl fleet would not be allowed to fish where commercial salmon fishing is not allowed.

Motion second by Odemar.
(Marshall): Why the whiting fleet this year? We should be all-encompassing. PFMC should address the entire issue of by-catch. They should do a biological study on impacts and then regulate those impacts.

(Bingham): I will amend the motion. To exclude application of this regulation to the shore-based trawl industry in Eureka, who are allowed incidental take of salmon. I don't want to shut those fishermen down.

(Warrens): Will vote in favor of the original motion, not excluding shore based fisheries. (We have additional constraints in PFMC that necessitates this.)

(Bingham): I withdraw my amendment.

**** Consensus on original motion ****

Public hearing procedure for the long-range plan:

(Masten): [Described the public hearing schedule.] We have sent forward the draft for public review. I want to make the schedule clear. To those who volunteered to chair the public hearings, staff is preparing a procedure for running the meetings.

(Odemar): I'd like to remind the council that the Task Force is having a meeting here tomorrow at 7.00 p.m. to look at adoption of the final restoration plan.

Meeting adjourned.

Attachments:

Attachment 1 -- Agenda
Attachment 2 -- Memorandum to KFMC from the technical advisory team.
Attachment 3 -- Non-Hoopa Indian statement regarding 1991 harvest.
Attachment 4 -- Oregon troll fishery position statement.
Attachment 5 -- Letter from Schwarz to Jaegar.
Attachment 6 -- Letter from Jaeger to Schwarz

ATTACHMENT 1

KLAMATH FISHERY MANAGEMENT COUNCIL
DRAFT AGENDA
MARCH 10, 1991 -- MILLBRAE, CA

12:00 noon Call to order. Adoption of agenda.

12:10 Report on Technical Advisory Team modeling efforts (Barnes).

- o Describe harvest options at ocean harvest rates of .08, .12, .17 and .19.
- o Presentation of harvest options as predicted by ocean harvest model.

1:00 Council discussion of harvest options.

- o Discussion in support of acceptable option(s).
  - oo Non-Hoopa
  - oo Hoopa
  - oo California ocean troll
  - oo Ocean sport
  - oo Oregon ocean troll
  - oo In-river sport
- o Discussion to eliminate unacceptable options.

2:00 Public Comment.

3:00 Council discussion of harvest options (continued).

3:45 Action.

- o Consensus approval of 1 to 3 options to recommend to PFMC.

4:15 Adjourn.

ATTACHMENT 2

M E M O R A N D U M

To: Klamath Fishery Management Council

Date: March 1, 1991

From: Klamath River Technical Advisory Team

Subject: Klamath Fall Chinook Allocation Combinations for 1991 and Resulting Ocean Fishery Structures.

This memorandum covers items requested at the Council's February 14 and 15 meeting relating to 1991 harvest allocation.

A. Ocean/River Harvest Allocation Combinations with 35,000 Natural Spawners.

Table 1 and Figure 1 depict ocean/river harvest rate combinations in the range requested by the Council. Included in the ocean harvest rate are those Klamath fish caught in ocean fisheries after September 1, 1990. Inriver run size required to support these river harvest allocations vary between about 57,000 and 65,000 adults.

B. Impact Rates on Klamath Fall Chinook in Recreational Fisheries Outside the KMZ.

Recreational fisheries outside the KMZ harvest some number of Klamath fall chinook. For modeling purposes, these impacts are accounted for within the commercial fisheries.

Relative to the commercial fisheries, recreational fisheries outside the KMZ harvest smaller numbers of total chinook (Table 2). In the areas immediately north and south of the KMZ, for instance, recreational impacts on total chinook harvest are between 2 and 5 percent of those of the commercial and recreational fisheries combined. Further from the KMZ, recreational fisheries harvest between 14 and 26 percent of the total chinook taken to the south and between 3 and 10 percent to the north.

As far as impacts of the recreational fisheries outside the KMZ on Klamath fall chinook are concerned, there is evidence that these impact rates are proportionally lower than those being exerted by the commercial fleet. Within the KMZ, for instance, the commercial fishery impact rates on Klamath chinook are 2.4 times greater, on average, than the impacts in the recreational fishery (Table 3). If these same impact rate differentials are applied to those recreational fisheries outside the KMZ, and taking into account the differences in the magnitude of the recreational and commercial fisheries, Klamath impacts are quite

Table 1. Harvest rate combinations and allowable harvest of Klamath River fall chinook in ocean and inriver fisheries for 1991.[a/]

Harvest Rate Combination	Allowable Ocean Harvest[b/]	Allowable Inriver Harvest	Adult Natural Spawning Escapement	Inriver Harvest Allocations[c/]		
				Yurok	Hoopa	Sport
0.19/0.25	21900	11200	34900	7600	1900	1700
0.18/0.26	20700	11800	34900	7900	2000	1900
0.17/0.27	19500	12300	34900	8200	2100	2000
0.16/0.28	18200	12900	34900	8600	2100	2200
0.15/0.28	17000	13100	35200	8700	2200	2200
0.14/0.29	15800	13700	35200	9000	2400	2300
0.13/0.30	14600	14300	35200	9400	2400	2500
0.12/0.31	13300	14900	35100	9800	2400	2700
0.11/0.32	12100	15600	35100	10200	2500	2900
0.10/0.33	10900	16100	35000	10500	2600	3000
0.09/0.34	9700	16800	34900	10900	2700	3200
0.08/0.35	8400	17500	34900	11300	2800	3500

a/ All harvest rate combinations approximataly accommodata 35,000 adult natural spawning escapement floor.

b/ Allowable ocean harvest has been reduced by 1,400 to account for Klamath River fall chinook harvested during fall (occurring after September 1) ocean fisheries in 1990.

c/ Inriver harvest allocations based upon inriver sharing agreement.

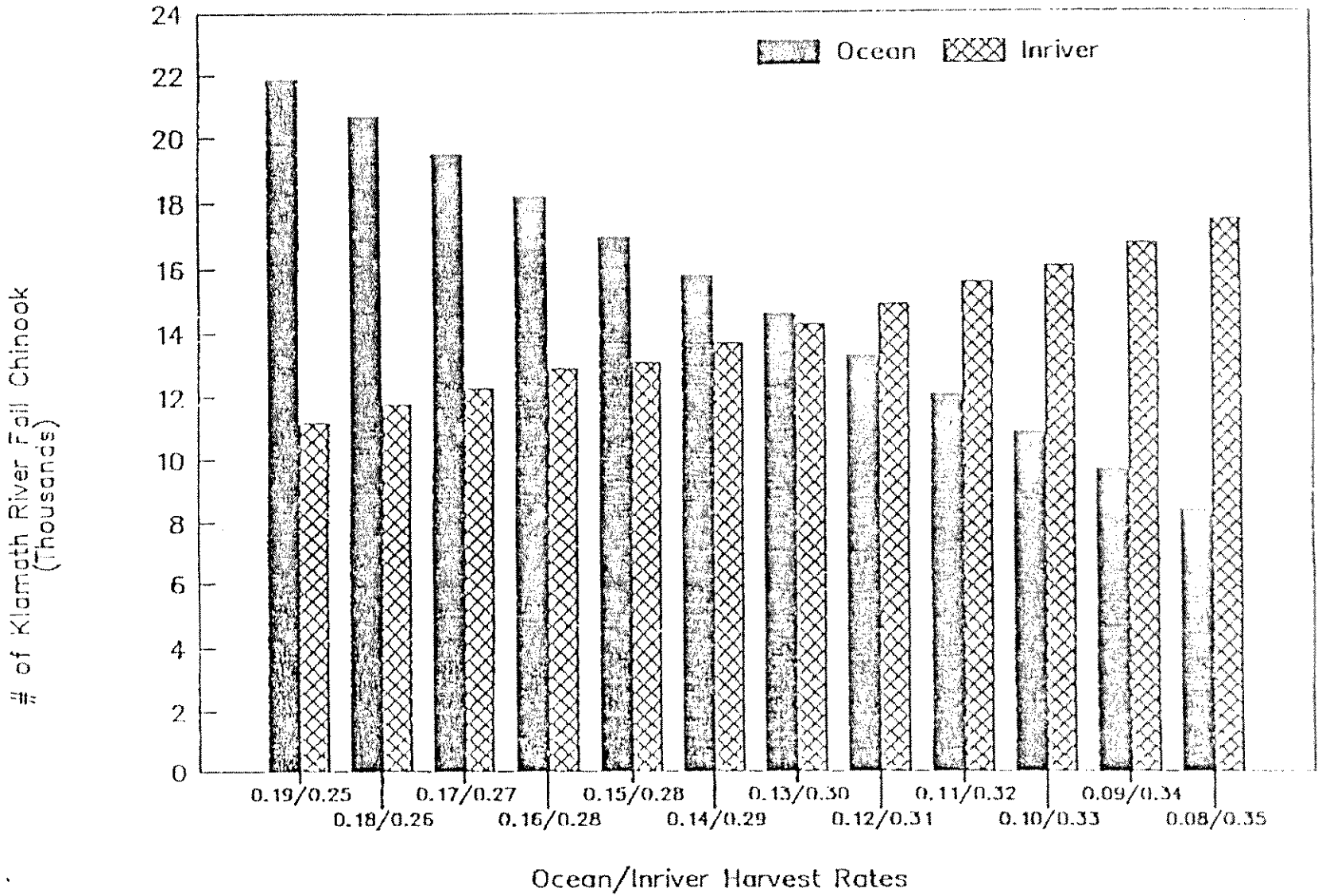


Figure 1. Ocean and inriver Klamath River fall chinook allocations based on various ocean/inriver harvest rate combinations for 1991.

TABLE 2. COMMERCIAL AND RECREATIONAL LANDINGS OF CHINOOK SALMON BY PORT AREA OUTSIDE THE KLAMATH MANAGEMENT ZONE, 1986–1990 (X1000).

PORT AREA	YEAR	COMMERCIAL	RECREATIONAL	% RECREATIONAL
SOUTH. CALIFORNIA	1986	502.5	114.8	19%
	1987	446.8	152.8	25%
	1988	830.5	131.3	14%
	1989	363.8	130.9	26%
	1990	329.9	90.2	21%
	86–90AVE.	494.7	124.0	20%
FORT BRAGG	1986	257.3	10.6	4%
	1987	320.1	9.2	3%
	1988	404.2	9.5	2%
	1989	136.0	5.8	4%
	1990	72.0	3.1	4%
	86–90AVE.	237.9	7.6	3%
COOS BAY	1986	238.9	5.9	2%
	1987	350.4	18.9	5%
	1988	268.2	8.1	3%
	1989	232.4	6.7	3%
	1990	174.4	6.6	4%
	86–90AVE.	252.9	9.2	4%
NORTHERN OREGON	1986	94.7	2.7	3%
	1987	92.3	9.9	10%
	1988	130.6	8.0	6%
	1989	73.5	2.7	4%
	1990	42.9	3.9	8%
	86–90AVE.	86.8	5.4	6%

Table 3. Annual Contribution Rates of Klamath Fall Chinook Within KMZ Fisheries, 1986-1990.

Year	Commercial	Recreation	Comm./Rec. Ratio
1986	35%	16%	2.2:1
1987 1/	31%	13%	2.4:1
1988 1/	47%	14%	3.4:1
1989 2/	22%	18%	1.2:1
1990 3/	18%	13%	1.4:1
1986-90 AVE	31%	13%	2.4:1

1/ Catches in fall, May & June only.
2/ Catches in fall, May, June and August only.
3/ Catches in fall, May & August only.

small. Expressed as the harvest rate on age 4 Klamath chinook, they vary from less than 0.01 to as much as 0.04, averaging 0.02 for the 1986-1990 period (Table 4).

The average impact rate of 2% should be considered as the rate that occurred in the base period with concurrent commercial fisheries inside and outside the KMZ and a recreational fishery in the KMZ. It is not possible to characterize the impacts in recreational fisheries outside the KMZ in the absence of these other fisheries.

C. Options for Structuring the KMZ Recreational Fishery in 1991.

Several options for changing the recreational fishery within the KMZ have been analyzed. Those changes include:

Option 1. A season including the Memorial Day and Labor Day weekends.

Option 2. Two salmon bag limit June 1-August 15, no more than one of which may be a chinook.

Option 3. Monday and Tuesday closed during July (or longer).

The shortened season (Option 1) would illicit a small savings in chinook landings compared to the base period. In 1989 and 1990, the KMZ recreational fishery opened on May 1 and ran through September (1989) or October (1990). Chinook catch before Memorial Day weekend and after Labor Day weekend accounted for less than 5% of the season total in 1989 and less than 4% in 1990. Nearly all of this catch was made prior to Memorial Day, an unknown amount of which would have been caught during the summer if the early part of May was closed.

Option 2 (restricted bag limit) reduces chinook impacts if a.) catch rates for chinook are high or b.) the total catch is made up predominantly of chinook. Such a case occurred in 1989, when in the California part of the KMZ (Eureka, Trinidad and Crescent City) 49,900 chinook and 44,900 coho were caught with 76,600 angler days of effort. An analysis of angler catches in 1989 reveals that a reduction of 20% in chinook landings would have been observed if the restricted bag limit was applied for the entire season (Table 5). Applied during the June 1-August 15 time frame the saving would have been nearly the same.

Table 5. Estimated Percent Reduction in the Recreational Ocean Salmon Chinook Catch and Numbers of Chinook That Would Have Been Saved from Horse Mountain to Crescent City During 1989 Assuming Regulations as Follows:

1) A Catch of Only One Fish of Either Species Per Angler
2) A Catch of Two Fish with Only One Being a Chinook Throughout the Season

Date	May 1-15	May 16-31	Jun 1-15	Jun 16-30	Jul 1-15	Jul 16-31	Aug 1-15	Aug 16-31	Sep 1-15	Sep 16-31	Season
Catch	489	1,573	5,539	5,553	14,883	15,302	6,185	242	95	12	49,873
(1)											
% Saved	30	45	46	45	47	46	42	30	39	0	45
# Saved	147	708	2,548	2,499	6,995	7,039	2,598	73	37	0	22,644
(2)											
% Saved	17	25	21	13	18	25	19	0	17	0	20
# Saved	83	393	1,163	722	2,679	3,826	1,175	0	16	0	10,057

TABLE 9. Impacts on Klamath River fall chinook in recreational fisheries outside the KMZ, 1986-1990.

KLAMATH HARVEST RATE IMPACTS OUTSIDE THE KMZ - 1986

AGE3	comm impact	sport %	rate diff	sport impact	ocpop	sport harvrate
NOR	2704	3%	2.2	37	604300	0.01%
CSB	52805	2%	2.2	480	604300	0.08%
FTB	50622	4%	2.2	920	604300	0.15%
SOC	51013	19%	2.2	4406	604300	0.73%
AGE3 TOT						0.97%
AGE4						
NOR	580	3%	2.2	8	57400	0.01%
CSB	10647	2%	2.2	97	57400	0.17%
FTB	7129	4%	2.2	130	57400	0.23%
SOC	6294	19%	2.2	544	57400	0.95%
AGE4 TOT						1.36%
AGE3+4 TOTAL						2.32%

KLAMATH HARVEST RATE IMPACTS OUTSIDE THE KMZ - 1987

AGE3	comm impact	sport %	rate diff	sport impact	ocpop	sport harvrate
NOR	2988	10%	2.4	124	415200	0.03%
CSB	35616	5%	2.4	742	415200	0.18%
FTB	52507	3%	2.4	656	415200	0.16%
SOC	22896	25%	2.4	2385	415200	0.57%
AGE3 TOT						0.94%
AGE4						
NOR	6761	10%	2.4	282	192400	0.15%
CSB	39359	5%	2.4	820	192400	0.43%
FTB	24023	3%	2.4	300	192400	0.16%
SOC	11914	25%	2.4	1241	192400	0.65%
AGE4 TOT						1.37%
AGE3+4 TOTAL						2.31%

KLAMATH HARVEST RATE IMPACTS OUTSIDE THE KMZ - 1988

AGE3	comm impact	sport %	rate diff	sport impact	ocpop	sport harvrate
NOR	7794	6%	3.4	138	610300	0.02%
CSB	40544	3%	3.4	358	610300	0.06%
FTB	99991	2%	3.4	588	610300	0.10%
SOC	69812	14%	3.4	2875	610300	0.47%
AGE3 TOT						0.65%
AGE4						
NOR	2293	6%	3.4	40	108200	0.04%
CSB	8926	3%	3.4	79	108200	0.07%
FTB	16014	2%	3.4	94	108200	0.09%
SOC	10987	14%	3.4	452	108200	0.42%
AGE4 TOT						0.62%
AGE3+4 TOTAL						1.26%

KLAMATH HARVEST RATE IMPACTS OUTSIDE THE KMZ - 1989

AGE3	comm impact	sport %	rate diff	sport impact	ocpop	sport harvrate
NOR	470	4%	1.2	16	117000	0.01%
CSB	11343	3%	1.2	284	117000	0.24%
FTB	7832	4%	1.2	261	117000	0.22%
SOC	1971	26%	1.2	427	117000	0.36%
AGE3 TOT						0.84%
AGE4						
NOR	1618	4%	1.2	54	189400	0.03%
CSB	26072	3%	1.2	652	189400	0.34%
FTB	19120	4%	1.2	637	189400	0.34%
SOC	11252	26%	1.2	2438	189400	1.29%
AGE4 TOT						2.00%
AGE3+4 TOTAL						2.84%

KLAMATH HARVEST RATE IMPACTS OUTSIDE THE KMZ - 1990

AGE3	comm impact	sport %	rate diff	sport impact	ocpop	sport harvrate
NOR	470	8%	1.4	27	51100	0.05%
CSB	11343	4%	1.4	324	51100	0.63%
FTB	7832	4%	1.4	224	51100	0.44%
SOC	1971	21%	1.4	296	51100	0.58%
AGE3 TOT						1.70%
AGE4						
NOR	1618	8%	1.4	92	60100	0.15%
CSB	26072	4%	1.4	745	60100	1.24%
FTB	19120	4%	1.4	546	60100	0.91%
SOC	11252	21%	1.4	1688	60100	2.81%
AGE4 TOT						5.11%
AGE3+4 TOTAL						6.81%

KLAMATH IMPACTS IN RECREATIONAL FISHERIES OUTSIDE THE KMZ BY AGE, 1986 THROUGH 1990.

YEAR	AGE 3	AGE 4	AGE 3+4
1986	1%	1%	2%
1987	1%	1%	2%
1988	1%	1%	1%
1989	1%	2%	3%
1990	2%	5%	7%
86-90 AVE	1%	2%	3%

Option 3 (Monday and Tuesday closed) has been analyzed in two parts, charterboat and private boat effects. These components of the recreational fishery have different attributes and would probably be affected differently by regulations limiting the number of days per week open to salmon fishing.

Skiff activity is fairly evenly distributed during the week (Table 6 and Figure 2). It does not appear, therefore, that closing any particular day or days would be most efficient. With one to several days per week closed it is likely that skiff effort would shift to the open days and relatively small saving of chinook would occur.

Charterboat activity is more heavily weighted to weekends than is skiff activity (Table 7). Measured by percent of anglers, about 35 to 40% of passengers are carried on weekends and the remaining 60 to 65% on weekdays. Assuming that charterboat activity could not be made up on open days, each day closed would reduce charterboat catch by 10 to 15%.

Within the KMZ, however, fish caught from charterboats are a small part of the overall catch, most of which is taken by fishermen in private boats.

D. Ocean Season Structure in 1991 with 1990 Regulations.

The impacts on Klamath fall chincok in ocean fisheries are estimated preseason using the Klamath Ocean Harvest Model (KOHM). Commercial fisheries between southern California and northern Oregon, together with the recreational fishery within the KMZ are structured to produce the desired harvest rate on Klamath fall chinook, expressed as the harvest rate on the age 4 component of the population.

For 1991 ocean fishery option analysis, the KOHM has been calibrated to the average 1986-1990 estimated impacts and adjusted where needed for season structure differences in 1988, 1989 and 1990 compared to 1986 and 1987. Table 8 summarizes the results of the calibration with expected 1991 stock strengths and should be thought of as the resultant impacts on Klamath chinook if fisheries that occurred in the base period without restrictions at Fort Bragg and Coos Bay were to occur in 1991. An exception to that is the summary of impacts in the fall of 1990, which are shown as they were estimated to have occurred.

Another way to think of Table 8 is that it represents a full season in areas outside the KMZ, as well as in the KMZ recreational fishery, and a KMZ commercial catch of 24,500

Table 6.

ESTIMATED NUMBER OF PRIVATE SKIFF FISHING TRIPS IN PERCENT BY MONTH AND DAY OF THE WEEK FOR 1988, 1989, AND 1990 FOR THE PORTS OF CRESCENT CITY, TRINIDAD, AND EUREKA.

YEAR	DAY OF THE WEEK	PERCENT OF TRIPS JUNE	JULY	AUGUST
1988	SUNDAY	10	15	14
	MONDAY	18	21	13
	TUESDAY	14	13	9
	WEDNESDAY	14	15	15
	THURSDAY	13	10	15
	FRIDAY	12	9	14
	SATURDAY	19	17	19
1989	SUNDAY	28	20	17
	MONDAY	23	27	18
	TUESDAY	8	13	14
	WEDNESDAY	9	8	12
	THURSDAY	4	11	13
	FRIDAY	9	8	11
	SATURDAY	19	13	15
1990	SUNDAY	14	13	19
	MONDAY	11	17	13
	TUESDAY	8	16	13
	WEDNESDAY	6	13	14
	THURSDAY	10	13	18
	FRIDAY	23	13	9
	SATURDAY	29	15	14
AVERAGE FOR 1988-1990	SUNDAY	11	11	18
	MONDAY	20	14	17
	TUESDAY	13	16	13
	WEDNESDAY	11	16	13
	THURSDAY	11	13	11
	FRIDAY	14	13	11
	SATURDAY	20	17	14

Figure 2.

Est. % of 1988–90 Fishing Trips by Month and Day of the Week for CRC, TRN, & EUR

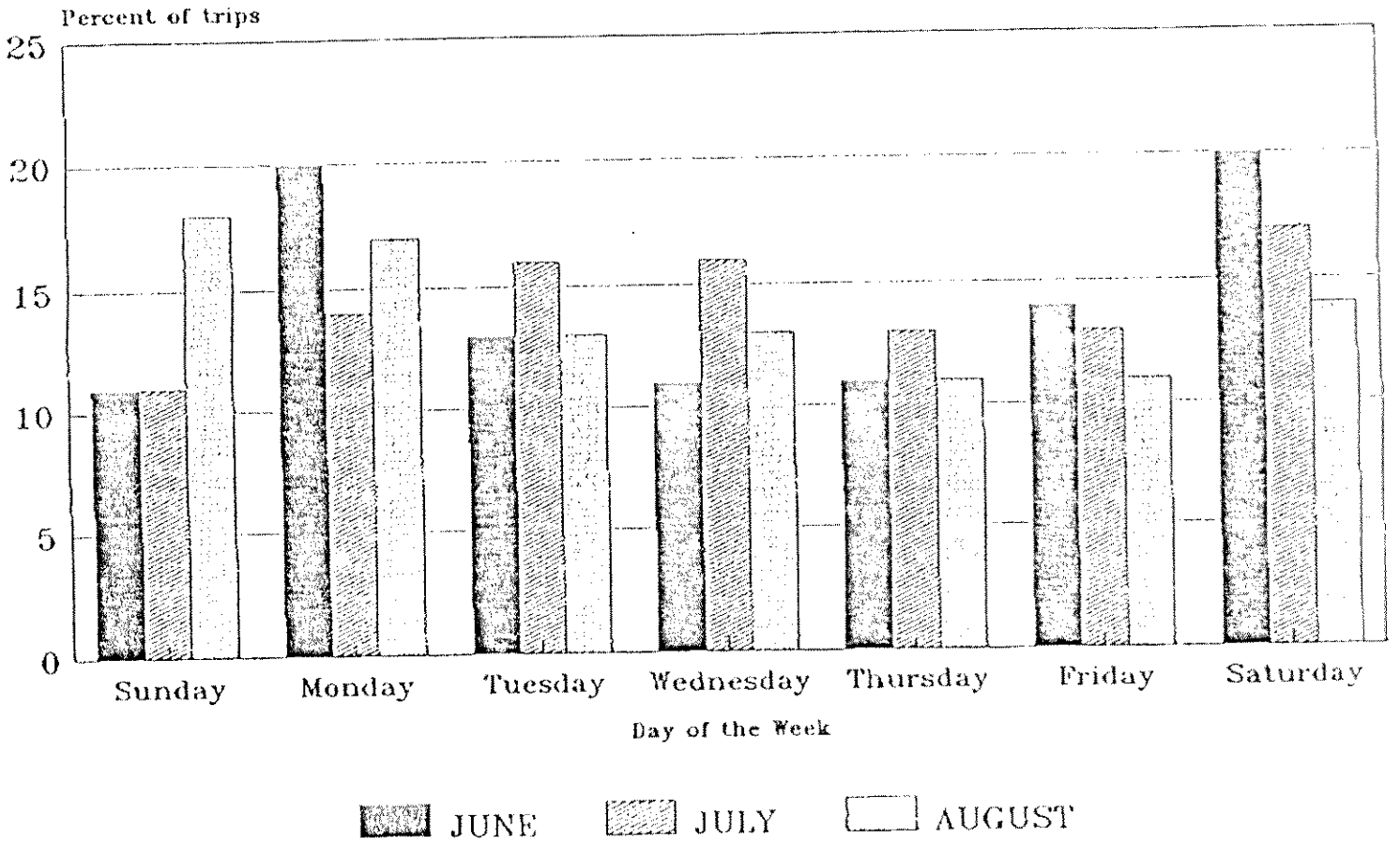


Table 7.

Number of fishing trips and number of anglers reported on charterboat logbooks in percent by month and day of the week during 1988, 1989 and 1990 for ports located North of Horse Mountain

YEAR	DAY OF THE WEEK	PERCENT OF TRIPS			PERCENT OF ANGLERS		
		JUNE	JULY	AUGUST	JUNE	JULY	AUGUST
1988	SUNDAY	14	17	17	16	21	22
	MONDAY	15	12	12	15	13	11
	TUESDAY	14	12	15	12	10	15
	WEDNESDAY	10	13	15	10	11	12
	THURSDAY	14	11	15	14	10	13
	FRIDAY	11	15	12	9	14	11
	SATURDAY	21	20	14	23	22	14
1989	SUNDAY	17	19	13	18	21	14
	MONDAY	14	15	11	13	14	13
	TUESDAY	10	11	15	9	10	13
	WEDNESDAY	14	12	16	15	12	17
	THURSDAY	14	10	13	13	11	11
	FRIDAY	14	12	14	14	13	15
	SATURDAY	15	20	16	17	19	15
1990	SUNDAY	15	16	14	18	18	15
	MONDAY	12	16	12	10	14	8
	TUESDAY	13	16	17	12	16	14
	WEDNESDAY	9	11	14	10	11	14
	THURSDAY	13	11	15	12	10	17
	FRIDAY	14	14	15	12	14	13
	SATURDAY	24	15	12	27	16	19
Average for 1988-1990	SUNDAY	16	18	16	18	20	16
	MONDAY	13	15	14	12	14	11
	TUESDAY	12	13	18	11	12	14
	WEDNESDAY	11	12	19	12	11	16
	THURSDAY	14	11	17	13	10	13
	FRIDAY	13	14	16	12	14	14
	SATURDAY	21	18	17	23	19	16

1991 CALIBRATION - 1986-90 BASE YEARS

KLAMATH OCEAN HARVEST MODEL VERSION: 91_1
RUN DATE 2-28-91 TIME: 13:58

EXPLOITATION RATE CHANGE FROM BASE PERIOD: a(,j,k)

	FALL 90	MAY	JUNE	JULY	AUGUST
NOR	1.00	1.00	1.00	1.00	1.00
CSB	1.00	1.00	1.00	1.00	1.00
KMZ-T	1.00	1.00	1.00	1.00	1.00
KMZ-S	1.00	1.00	1.00	1.00	1.00
FTB	1.00	1.00	1.00	1.00	1.00
SOC	1.00	1.00	1.00	1.00	1.00

KLAMATH ADULT OCEAN LANDINGS	55100
KLAMATH INRIVER HARVEST	0
KLAMATH SPAWNING ESCAPEMENT	37200
AGE 4 KLAMATH HARVEST RATE	66%

KLAMATH LANDINGS - ESTIMATES: L(i,j,k)

AGE 3	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	60	0	40	310	320	730
CSB	680	260	610	5330	5200	12080
KMZ-T	0	100	2760	920	880	4660
KMZ-S	0	110	670	980	270	2030
FTB	290	960	2790	4970	740	9750
SOC	60	940	2510	1450	230	5190
AGE3 TOT	1090	2370	9380	13960	7640	34440
AGE 4	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	0	60	40	260	80	440
CSB	180	740	630	4520	1430	7500
KMZ-T	90	220	1840	630	400	3180
KMZ-S	0	20	200	560	190	970
FTB	0	1110	2100	1700	210	5120
SOC	0	760	1540	460	50	2810
AGE4 TOT	270	2910	6350	8130	2360	20020

CATCH PROJECTIONS BASED ON EXPLOITATION RATE SHIFTS

	FALL 90	MAY	JUNE	JULY	AUGUST	91 TOT
NOR	4500					
CSB	7400					
KMZ-T	1700	1100	12800	3500	5400	24500
KMZ-S	100	500	4600	6500	2200	13900
FTB	2600					
SOC	2400					
TOTAL	18700					

KLAMATH CONTRIBUTION-AGE 3+4 COMBINED

AREA	FALL 90	MAY	JUNE	JULY	AUGUST
NOR	1.3%	1.4%	1.3%	5.5%	6.8%
CSB	11.6%	9.8%	12.9%	22.2%	24.7%
KMZ-T	5.3%	29.1%	35.9%	44.3%	23.7%
KMZ-S	0.0%	26.0%	19.3%	23.7%	20.9%
FTB	11.2%	9.5%	10.6%	12.7%	5.2%
SOC	2.5%	1.7%	5.2%	4.1%	1.6%

total chinook. The result of modeling this scenario is an impact rate of 0.56 on age 4 Klamath fall chinook.

The Council has asked for 1991 impact analyses with 1990 regulations in various combinations, as well as an option restricting the Fort Bragg and Coos Bay areas to a commercial fishery from July 1-15. The KOHM results at various fishery levels are summarized in Table 9.

It should be noted that options that include fisheries in the Coos Bay area have been modeled as if the entire Coos Bay cell is affected. This is a departure from modeling in previous years, when only the area from Cape Arago to the northern end of the KMZ was affected and was done so that more reasonable comparisons to the Fort Bragg area could be made. On Table 9 the KMZ recreational fishery was modeled at 80% of the base period to accommodate any of a number of season restrictions in 1991. The results for the recreational fisheries (4 to 5%) include those outside the KMZ (2%) as well as the KMZ recreational fishery itself (2 to 3% depending on the option).

KOHM outputs are attached for Options A-D as Appendix Tables A1-A4.

Table 9 . Klamath Fall Chinook Impact Rates (Age 4) in Ocean Fisheries in 1991 through August 31 with Various Combinations of 1990 Regulations.

Option	Fishery	Age 4 harvest Rate
Option A: NOR & SOC same as 1990, KMZ Sport at 80% in June, July and August.	Troll	0.12
	Sport	0.05
	TOTAL	0.17
Option B: Option A + July 1-15 at FTB & CSB.	Troll	0.22
	Sport	0.05
	TOTAL	0.27
Option C: Option A + same as 1990 in FTB + CSB.	Troll	0.34
	Sport	0.04
	TOTAL	0.38
Option D: Option C + KMZ-T same as 1990.	Troll	0.40
	Sport	0.04
	TOTAL	0.44

Appendix Table A1.

KLAMATH OCEAN HARVEST MODEL VERSION: 91_1
RUN DATE: 2-28-91 TIME: 11:5
EXPLOITATION RATE CHANGE FROM BASE PERIOD: a(.jk)

	FALL 90	MAY	JUNE	JULY	AUGUST
NOR	1.00	2.35	1.97	1.77	1.37
CSB	1.00	0.00	0.00	0.00	0.00
KMI-T	1.00	0.00	0.00	0.00	0.00
KMI-S	1.00	1.00	0.80	0.80	0.80
FTB	1.00	0.00	0.00	0.00	0.00
SOC	1.00	1.07	1.41	1.36	1.36

KFMC OPTION A

KLAMATH ADULT OCEAN LANDINGS	17900
KLAMATH INRIVER HARVEST	12000
KLAMATH SPAWNING ESCAPEMENT	47300
AGE 4 KLAMATH HARVEST RATE	17%

KLAMATH LANDINGS - ESTIMATES: L(ijk)

AGE 3	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	60	10	70	610	780	1530
CSB	680	0	0	0	0	680
KMI-T	0	0	0	0	0	0
KMI-S	0	110	540	830	260	1740
FTB	290	0	0	0	0	290
SOC	60	1010	3600	2180	390	7240
AGE3 TOT	1090	1130	4210	3620	1430	11480
AGE 4	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	0	130	90	560	240	1020
CSB	180	0	0	0	0	180
KMI-T	90	0	0	0	0	90
KMI-S	0	20	160	550	230	960
FTB	0	0	0	0	0	0
SOC	0	820	2310	740	100	3970
AGE4 TOT	270	970	2560	1850	570	6220

CATCH PROJECTIONS BASED ON EXPLOITATION RATE SHIFTS

	FALL 90	MAY	JUNE	JULY	AUGUST	91 TOT
NOR	4500					
CSB	7400					
KMI-T	1700	0	0	0	0	1700
KMI-S	100	500	3600	5200	1300	11200
FTB	2600					
SOC	2400					
TOTAL	18700					

Appendix Table A2.

KLAMATH OCEAN HARVEST MODEL — VERSION: FALL
RUN DATE: 2-28-91 — TIME: 11:3

EXPLOITATION RATE CHANGE FROM BASE PERIOD: e(i,k)

	FALL 90	MAY	JUNE	JULY	AUGUST
NOR	1.00	2.35	1.37	1.41	1.37
CSB	1.00	0.00	0.00	0.46	0.00
KMZ-T	1.00	0.00	0.00	0.00	0.00
KMZ-S	1.00	1.00	0.80	0.80	0.80
FTB	1.00	0.00	0.00	0.48	0.00
SCC	1.00	1.07	1.41	1.19	1.19

KFMC OPTION B

KLAMATH ADULT OCEAN LANDINGS	25100
KLAMATH INRIVER HARVEST	7000
KLAMATH SPAWNING ESCAPEMENT	47300
AGE 4 KLAMATH HARVEST RATE	27%

KLAMATH LANDINGS - ESTIMATES: L(i)(k)

AGE 3	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	60	10	70	430	720	1340
CSB	680	0	0	2750	0	3430
KMZ-T	0	0	0	0	0	0
KMZ-S	0	110	540	830	250	1730
FTB	290	0	0	2600	0	2890
SCC	60	1010	3600	1900	320	6890
AGE3 TOT	1090	1130	4210	8560	1290	16280
AGE 4	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	0	130	90	440	210	870
CSB	180	0	0	2570	0	2750
KMZ-T	90	0	0	0	0	90
KMZ-S	0	20	160	550	210	940
FTB	0	0	0	990	0	990
SCC	0	820	2310	650	80	3860
AGE4 TOT	270	970	2560	5200	500	9500

CATCH PROJECTIONS BASED ON EXPLOITATION RATE SHIFTS

	FALL 90	MAY	JUNE	JULY	AUGUST	91 TOT
NOR	4500					
CSB	7400					
KMZ-T	1700	0	0	0	0	1700
KMZ-S	100	500	3600	5200	1800	11200
FTB	2600					
SCC	2400					
TOTAL	18700					

Appendix Table A3.

KLAMATH OCEAN HARVEST MODEL VERSION: 91_1
RUN DATE: 3-26-91 TIME: 1116
EXPLOITATION RATE CHANGE FROM BASE PERIOD: a(i,j,k)

	FALL 90	MAY	JUNE	JULY	AUGUST
NOR	1.00	1.00	0.90	0.80	0.80
CSB	1.00	1.00	0.85	0.60	0.70
KMZ-T	1.00	0.00	0.00	0.00	0.00
KMZ-S	1.00	1.00	0.80	0.80	0.60
FTB	1.00	0.97	0.47	0.43	1.00
SOC	1.00	1.01	1.07	1.15	0.95

KFMC OPTION C

KLAMATH ADULT OCEAN LANDINGS	36800
KLAMATH INRIVER HARVEST	700
KLAMATH SPAWNING ESCAPEMENT	47300
AGE 4 KLAMATH HARVEST RATE	38%

KLAMATH LANDINGS - ESTIMATES: L(i,j,k)

AGE 3	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	60	0	30	270	300	660
CSB	680	260	520	3360	4280	9100
KMZ-T	0	0	0	0	0	0
KMZ-S	0	110	530	810	240	1690
FTB	290	950	1310	2370	830	5730
SOC	60	960	2690	1780	280	5730
AGE3 TOT	1090	2250	5080	8590	5900	22910
AGE 4	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NOR	0	60	40	230	80	410
CSB	180	740	540	2970	1410	5840
KMZ-T	90	0	0	0	0	90
KMZ-S	0	20	160	490	190	860
FTB	0	1080	990	850	270	3190
SOC	0	770	1660	580	60	3070
AGE4 TOT	270	2670	3390	5120	2010	13460

CATCH PROJECTIONS BASED ON EXPLOITATION RATE SHIFTS

	FALL 90	MAY	JUNE	JULY	AUGUST	91 TOT
NOR	4500					
CSB	7400					
KMZ-T	1700	0	0	0	0	1700
KMZ-S	100	500	3600	5200	1800	11200
FTB	2600					
SOC	2400					
TOTAL	18700					

Appendix Table A4.

KLAMATH OCEAN HARVEST MODEL — VERSION: 91_1

RUN DATE: 2-28-91 — TIME: 11:48

EXPLOITATION RATE CHANGE FROM BASE PERIOD: [illegible]

	FALL 90	MAY	JUNE	JULY	AUGUST
NCR	1.00	1.00	0.90	0.80	0.80
CSB	1.00	1.00	0.85	0.60	0.72
KMZ-T	1.00	5.55	0.00	0.00	2.26
KMZ-S	1.00	1.00	0.80	0.80	0.80
FTB	1.00	0.97	0.47	0.45	1.00
SCC	1.00	1.01	1.07	1.15	0.95

KFMC OPTION D

KLAMATH ADULT OCEAN LANDINGS	41700
KLAMATH INRIVER HARVEST	0
KLAMATH SPAWNING ESCAPEMENT	45000
AGE 4 KLAMATH HARVEST RATE	44%

KLAMATH LANDINGS - ESTIMATES: L(I)K)

AGE 3	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NCR	60	0	30	260	290	640
CSB	680	260	520	3350	4270	9080
KMZ-T	0	550	0	0	2220	2770
KMZ-S	0	110	530	810	240	1690
FTB	290	930	1300	2350	820	5690
SCC	60	950	2670	1770	250	5700
AGE3 TOT	1090	2800	5050	8540	8090	25570
AGE 4	FALL 90	MAY	JUNE	JULY	AUGUST	TOTAL
NCR	0	60	40	230	80	410
CSB	180	740	520	2920	1390	5750
KMZ-T	90	1230	0	0	1150	2470
KMZ-S	0	20	150	480	180	830
FTB	0	1080	970	820	260	3130
SCC	0	770	1610	560	50	2990
AGE4 TOT	270	3900	3290	5010	3110	15580

CATCH PROJECTIONS BASED ON EXPLOITATION RATE SHIFTS

	FALL 90	MAY	JUNE	JULY	AUGUST	91 TOT
NCR	4500					
CSB	7400					
KMZ-T	1700	6200	0	0	12200	20100
KMZ-S	100	500	3600	5200	1800	11200
FTB	2600					
SCC	2400					
TOTAL	18700					

ATTACHMENT 3

March Proceedings
KFMC/PFMC San Francisco

Susan Masten
KFMC Non-Hoopa Rep
P.O. Box 91
Klamath, CA 94458

Re: 1991 Allocation Process, Klamath Chinook

Council Members:

As you are aware, the Yurok fishermen requested that the Department of Interior through the Bureau of Indian Affairs assert its trust responsibility to the Tribes during this catastrophic season, in order to protect a minimal subsistence fishery for our people.

Interior responded to our request, and on March 1, 1991 published their intent to "insure a minimum level of fish to meet Federal Government's trust responsibility to Indian Tribes", and under the authority of the Code of Federal Regulations 25 part 250 set aside an emergency level of 12,000 fish for Indian harvest; thereby removing those 12,000 fish from the harvestable surplus to be allocated among user groups. (see attached legal notice)

Out of courtesy, an explaination of why this action was necessary is called for, which must include a brief review of the past actions of the Klamath Fisheries Management Council (KFMC) and the Pacific Fisheries Management Council (PFMC) with regard to Ocean harvests and resultant Tribal allocations.

The Tribes of the Klamath River Basin do not have a quantified ajudicated share of Klamath River Fall Chinook Salmon. As such, they are dependent on the only official document addressing the issue, that being the Five Year Agreement signed by all members of the KFMC in 1987.

That document stipulated precise harvest rate shares between ocean and river harvesters, and a precise spawning escapement rate.

In 1987, prior to Amendment 9 and the formal adoption of Harvest Rate Management by the PFMC, the PFMC altered the terms of the Agreement by taking additional fish from the spawning escapement to allow for additional ocean harvests.

In 1988 the PFMC once again took fish from the spawning escapement to allocate to ocean harvest to meet their economic concerns.

Both of these years yielded no additional fish to the Indian gill net fishery, the sole purpose of violating the agreed upon escapement rate was to provide additional fish to the ocean harvesters.

In 1989, Amendment 9 was adopted by the PFMC which precluded any oportunity to take fish from the spawning escapement. With that avenue blocked, the PFMC chose to take fish from the agreed upon allocation rate for in-river harvest and give those fish to the ocean, to protect their economic interests.

In 1990 the PFMC chose once again, in complete disregard for the Five Year Agreement, to take fish from the river harvesters and supplement the ocean fishery harvests to answer their economic concerns.

Now, as we enter the 1991 season, we find that predicted ocean stock abundances of Klamath River Fall Chinook are so low that they will not meet the allocation shares and spawning escapement specified by the Agreement.

Such an emergency situation was recognized in advance by the signators of the Five Year Agreement, and in Item Ten of that agreement it was stated that:

"The parties recognize that occasionally unanticipated emergencies arise. An example of a definite emergency situation would be a year in which the allowable Indian subsistence harvest was projected to be below 12,000 adult fall chinook. If an emergency exists, discussions will be conducted to agree on special harvest or production measures to resolve the emergency, consistent with the Klamath River escapement plan."

This season, following a formula of proportional reductions in ocean and river harvest rates to the extent that spawning escapement needs would be met, the Indian harvest allowed would be well below the 12,000 figure.

The KFMC, presented with these harsh numbers at their February 1991 meeting, found a discrepany in member's opinions regarding the language of Item Ten of the Agreement.

The Tribes concur, that their understanding of the language at the time was that it was an extreme bottom line protection, and guarantee, of a minimum of 12,000 fish for subsistence; and that all methods possible would be put in place to guarantee those fish for tribal harvest. (Minimum needs were defined by an in-river sharing agreement in 1987 to be 18,500 fish, and subsistence, under quota restrictions, has averaged 22,000 fish per year since 1987.)

Ocean harvesters and managers take disagree with this interpretation; stating that the language "discussions will

be conducted" in no way guarantees an even below minimum needs subsistence harvest.

It is our contention that it is ludicrous to assume that the Tribes, at the time of the Agreement, would have consented to have an emergency figure of a 12,000 fish quota placed in the Agreement with the understanding that when that emergency situation was reached "discussions' would include how to take a portion of those 12,000 fish and reallocate them to ocean harvest.

Ocean harvesters, through lobbying efforts at the PFMC level, have been successful in garnering extra salmon for commercial harvest during the last four years of the Agreement, at the expense of the Indian fishery.

As Indian fishermen, we often hear the Ocean fishermen's lament, that it is not their fault that they consistently overharvest in the ocean; that "it is the fault of the bad projections". This we can understand, and accept.

As Indian People, we often hear non-Indians lament that they are not responsible for the sins of their forefathers with regard to their treatment of aborigonal people. This we can understand and accept.

What we cannot understand, and <u>will not</u> accept, is what is happening here an now, and has happened for the last four years; that being the complete disregard for the needs of the Tribal fisheries as expressed by the actions of the KFMC and the PFMC in pre-season negotiations.

This season, the Tribes cannot afford to submit the very essence of their subsistence to the demonstrated arbitrary and capricious actions of the KFMC and PFMC process.

Therefore, to reiterate, the Tribes of the Klamath Basin intend to harvest a minimum of 12,000 adult fall chinook salmon during the 1991 season. Any ocean harvest rates that, when added to the Tribal harvest rates, would violate the escapement floor will be considered in violation of the Magnuson Act

PUBLIC NOTICE INDIAN FISHING-HOOPA VALLEY AND YUROK INDIAN RESERVATION

Pre-season Adjustment to the Federal Regulations Governing Indian Fishing on the Hoopa Valley and Yurok Indian Reservations-1991.

This notice is published pursuant to provisions contained in 25 CFR Part 250, Sections 250.9 (d) and 250.12 which are a part of the Federal regulations governing Indian fishing on the Hoopa Valley abd Yurok Indian Reservations.

As Area Director of the Bureau of Indian Affairs, I have determined that a "resource crisis" involving Klamath River origin fall chinook salmon currently exists. The ocean stock size estimates for Klamath River salmon are projected to be near an all-time low.

Paragraph 10 of the Long-term Harvest Sharing Agreement signed on July 22, 1987 contains provisions for allocating subsistence fish to Native Americans under such emergency conditions.

Therefore, I an exercising my authority under 25 CFR part 250 to establish a minimum harvest level of 12,000 Klamath River adult fall chinook salmon for Indian subsistence and ceremonial fisheries on the Klamath ant Trinity Rivers in 1991. This will insure at least a minimum level of fish to meet Federal Governments trust responsibility to Indian Tribes and removes those fish from the harvestable surplus to be allocated among other user groups.

A Harvest Management Plan describing the details and conduct of the 1991 fall chinook subsistence fishery on the Yurok Indian Reservation will be prepared by the Bureau of Indian Affairs and oublished at a later date.

The Hoopa Valley Tribal Council will regulate the fishery on the Hoopa Valley Indian Reservation.

As ordered by:

RONALD M. JAEGER
Area Director
Bureau of Indian Affairs
2000 Cottage Way
Sacramento, California
95825

3/1,2

March 12, 1991

Susan Masten
KFMC Non-Hoopa Rep

Pacific Fisheries Management Council

Re: Actions of the KFMC

Council Members:

For the record, I would like to formally take exception with action taken by the Klamath Fishery Management Council at its February meeting.

During deliberations on what range of harvest shares should be analyzed for consideration for 1991, the KFMC could not reach concensus.

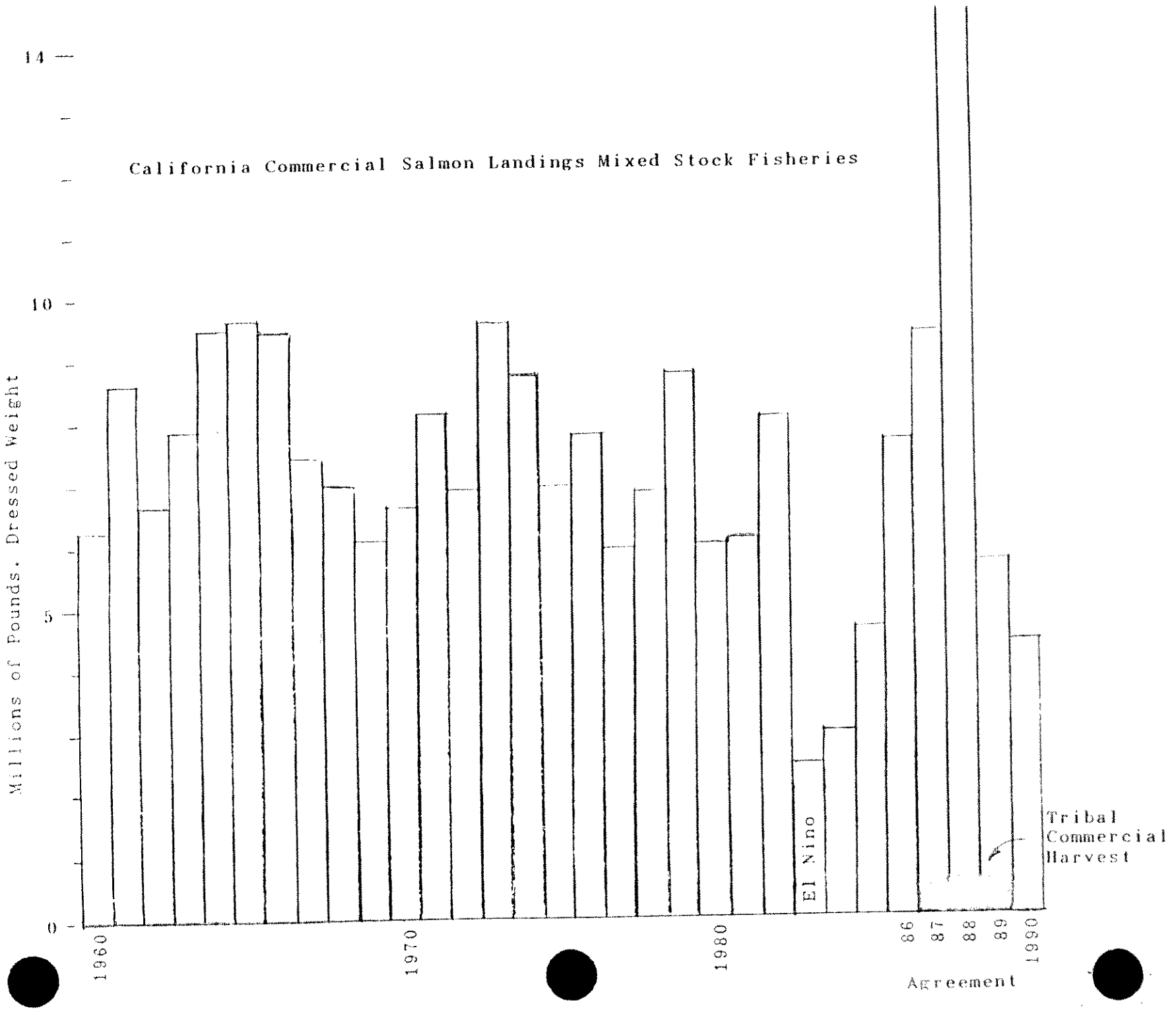
Chairman Fullerton, taking the "Chairs prerogative" opted to sent to you a recommendation that ocean harvest rates ranging from a .08 to a .19 be investigated. This recommendation to you did not have the consensus of the KFMC.

Under the Klamath Basin Act, which created the KFMC it is stated:

> "No comprehensive plan or recommendations referred to"..(including recommendations to the PFMC).."may be adopted by the Council except by the unanamous vote of all members present and voting."

We would like the record to show that the recommendation to analyze a range of options is the recommendation of Chairman Fullerton, and not the recommendation of the Klamath Fisheries Management Council.

Susan Masten


California Commercial Salmon Landings Mixed Stock Fisheries
Millions of Pounds, Dressed Weight
14
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1990
Agreement
Tribal
Commercial
Harvest

ATTACHMENT 4

Keith Wilkinson
KFMC Oregon Troll
H.C. 83 Bx 278
Coquille, Or.97423

Klamath Fishery Management Council

Re: 1991 Allocation Process Klamath Chinook

Council Members:

In 1985-86, and later in 1987, sharing agreements were reached for distribution of the harvest of Klamath fall Chinook. These agreements were based on principles and a committment to working together, and on the basic minimum needs for the different fisheries. The specific numbers agreed to at that time were a reflection of the advice of the technical people based on the data they then had available. Specifically, at that time:

- The ocean fishery outside the KMZ was thought to harvest about a 0.25 share of Klamath stocks for traditional seasons beginning May 1.

- This would leave about a 0.08 share for the ocean fisheries inside the KMZ. It was thought that the general contribution rate inside the KMZ was about 1 fish in 4 that were of Klamath origin, but it was hoped that by selecting certain areas and times, this could be improved upon.

- The in-river people placed a priority upon assured ceremonial needs, subsistence needs, commercial opportunity if possible, and upon assured recreational opportunity. This translated into a need for a certain number of fish. At the time, a harvest share of 0.50 or 0.525 appeared to provide enough fish to meet their needs.

Since the agreements were reached and signed, the technical data and understandings of harvest rates and contribution rates have changed. However the minimum needs for the various fisheries has not changed, nor has the need of the resource for a certain spawning escapement rate.

It is not fair or equitable to expect the ocean troll fishery to shoulder the entire burden for the changes in technical understanding, anymore than it would be fair to expect the in-river people to reduce their expectations to fully assure the minimum needs of the ocean fishery. All fisheries should be proportionally reduced, in order for the needs of the resource to be met, but without any one fishery sharing a disproportionate burden.

PACIFIC FISHERY MANAGEMENT COUNCIL
Metro Center, Suite 420
2000 SW First Avenue
Portland, Oregon 97201

Phone: Commercial (503) 326-6352
FTS 423-6352

CHAIRMAN
ard A. Schwarz

EXECUTIVE DIRECTOR
Lawrence D. Six

March 8, 1991

Mr. Ronald M. Jaeger
Area Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Jaeger:

Thank you for your letter of February 22, 1991 on behalf of the Hoopa and Yurok Tribes, delineating proposed actions of the Bureau of Indian Affairs concerning the Klamath River fall chinook. I understand your concern for the ceremonial and subsistence needs of these Tribes ("a minimum harvest level of 12,000 Klamath River adult fall chinook salmon"). However, I feel it is premature for you to designate a specific number of fish for this purpose, using as your authority the references cited in your letter directed to the Pacific Fishery Management Council (Council).

As of today there have been no management proposals adopted by the Council concerning this year's salmon seasons. At the Council's meeting March 12-15, 1991, preliminary proposals for season structures and harvest limits will be developed and analyzed, then submitted for review and comment by all concerned parties. After reviewing such comments, and with due consideration of the status of all salmon stocks, the Council will make a final decision on the 1991 season structure at its meeting April 9-12, 1991. The predictions for 1991 salmon abundance are less than encouraging coastwide. However, the spawning escapement requirements for salmon stocks, including Klamath fish, will take priority over all harvest opportunities.

This brings me to concerns with the substance of your letter, and the attached "Public Notice," in the context of management decisions yet to be taken by the Council.

While your letter mentions maintaining the 35,000 fish spawning escapement floor, it is not mentioned in the draft public notice. I believe that the spawning escapement level should be mentioned in the notice so that the public and the Indian fishers will be on notice of the priority of the escapement needs.

Contrary to both your letter and the attached public notice, paragraph 10 of the 1987 Klamath River Salmon Management Long-term Harvest Sharing Agreement does not guarantee 12,000 fish to the tribes. This paragraph states, in total:

10. The parties recognize that occasionally unanticipated emergencies arise. An example of a definite emergency situation would be a year in which allowable Indian subsistence harvest was projected to be below 12,000 adult fall chinook. If an emergency exists, discussions will be conducted to agree on special harvest or production measures to resolve the emergency, consistent with the Klamath River escapement plan.

This paragraph does not authorize any unilateral action, but rather provides a trigger for discussions among the parties.

Neither does the November 30, 1990 letter from the Secretary of the Interior to the Secretary of Commerce support your action, as you state. He simply states his support for the harvest sharing agreement, which, as I stated above, calls for discussions, not unilateral action.

I believe the more appropriate approach is for the Klamath Fishery Management Council (KFMC) to review the analysis to be provided by the Klamath Technical Team at their March 10 meeting and then make recommendations to our Council. I encourage you to ensure appropriate communication between your agency and the KFMC during the March meeting of the Council and prior to the April Council meeting. I hope you will postpone issuing the public notice on the Indian harvest until the issue has been further discussed by both the KFMC and the Council.

The final responsibility for determining the ocean harvest structure falls on the Pacific Council. We will consider a season structure which first meets the spawning escapement requirement for Klamath stocks and then addresses the harvest allocation to all users.

Sincerely,

Richard A. Schwarz
Council Chairman

cc: KFMC

ATTACHMENT 6

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

IN REPLY REFER TO:

Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

FEB 2 2 1991

Richard Schwarz, Chairman
Pacific Fishery Management Council
Metro Center, Suite 420
2000 SW First Avenue
Portland, Oregon 97201

Dear Mr. Schwarz:

This letter is to advise the Pacific Fishery Management Council (Council) of actions involving Klamath River fall chinook stocks that the Bureau of Indian Affairs (Bureau) will be taking on behalf of the Hoopa and Yurok Indian Tribes in 1991.

On February 6, 1991, we were informed of the ocean stock size estimates and allowable harvest levels for Klamath River fall chinook stocks through a document prepared by the Klamath River Technical Advisory Team. Our biologists then examined a number of prior harvest rate combinations and strategies to determine if satisfactory fisheries could be crafted for all harvest groups and still protect the spawning escapement. It was their finding that a resource emergency exists in 1991 and that it will be virtually impossible to develop appropriate fisheries in 1991 on Klamath River stocks through the application of recent harvest rate formulas.

Because of the Department of the Interior's responsibility for protection and enhancement of the resource and the Federal Government's trust responsibility to Native Americans, the Bureau is reserving 12,000 Klamath River adult fall chinook salmon in 1991 to meet minimum subsistence and ceremonial needs of the Hoopa and Yurok Tribes. The authority for this action is contained in 25 CFR Part 250 and further supported in paragraph 10 of the Klamath River Salmon Management Long-term Harvest Sharing Agreement signed on July 22, 1987. This action is also supported by the Secretary of the Interior as indicated in a November 30, 1990 letter (copy enclosed) to the Secretary of Commerce. In the very near future, the Bureau will publish the enclosed pre-season adjustment to the Indian fishing regulations contained in 25 CFR Part 250 which will identify those fish as being available for subsistence use in 1991 by the Hoopa and Yurok Indians and removes them from the overall allocation process.

Through the development and enforcement of an approved Harvest Management Plan, the Bureau will maintain and protect the 35,000 floor as established by the Klamath Fishery Management Council and adopted by the Pacific Fishery Management Council. That action, combined with a total allocation of only 12,000 salmon for subsistence purposes will create a severe hardship for Indian familes which depend on Klamath River Basin salmon for their subsistence.

Please take the Bureau's action into account as you proceed with your allocation process when it involves Klamath River fall chinook salmon in 1991. For further information, please contact Karole Overberg or Delmar Robinson at (916) 246-5141.

Sincerely,

Area Director

Enclosures - Secretary Lujan's letter
Pre-season adjustment notice

cc: Klamath Fishery Management Council
Hoopa Valley Tribal Council
Yurok Transition Team

THE SECRETARY OF THE INTERIOR

WASHINGTON

November 30, 1990

Honorable Robert A. Mosbacher
Secretary of Commerce
Washington, D.C. 20230

Dear Mr. Secretary:

Enclosed for your information is a copy of a September 28, 1990, letter I received from Ms. Susan Masten, Acting Chairperson, Yurok Tribal Transition Team, and accompanying Yurok Transition Team Resolution Number 74 requesting assistance in maintaining a tribal commercial fishery on the Klamath River in northern California.

As you know, offshore and inland fisheries operating on Klamath River salmon stocks are managed through a complex set of rules and regulations. The Klamath River Fishery Management Council (KFMC) established pursuant to the Klamath River Basin Fishery Resources Restoration Act of 1986 provides harvest allocation recommendations to the Pacific Fisheries Management Council (PFMC) which, in turn, recommends harvest management measures to meet the guidelines set forth in the Magnuson Fishery Conservation Management Act of 1976 through regulations promulgated by the National Marine Fisheries Service. Indian fishing on the Yurok and Hoopa Valley Reservations is governed by regulations promulgated by the Bureau of Indian Affairs (BIA), provided, however, that ordinances set forth by the Hoopa Valley Business Council govern fishing by Hoopa Valley tribal members on their reservation to the extent that they comply with overall tribal harvest quotas established by the BIA.

The failure of the 11-member KFMC to reach a consensus concerning the allocation of the 1990 harvest of Klamath River fall chinook salmon between ocean and in-river interests in accordance with their harvest sharing agreement of 1987 shifted the burden of resource allocation to the PFMC. As you may recall, the PFMC recommended a somewhat lower harvest rate for the in-river fisheries and a somewhat higher harvest rate for the offshore fisheries than those previously adopted by the KFMC.

I endorse the harvest sharing agreement signed by all KFMC members providing for an ocean fisheries harvest rate of 0.35, and an in-river fisheries harvest rate of 0.52 on fully vulnerable age 4 and 5 fall chinook salmon, and support an

allocation in 1991 that conforms to the KFMC harvest sharing agreement. I have instructed my representative on the KFMC, Dr. Lisle Reed, to work closely with the Assistant Secretary - Indian Affairs in monitoring allocation-related developments next year, and to provide me with recommendations, as necessary, for addressing any associated potential impacts on the Indian fisheries. A copy of my letter to Dr. Reed is enclosed.

I look forward to working with you in addressing the complex issues involved.

Sincerely,

Manuel Lujan Jr.

Enclosures

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

IN REPLY REFER TO:

Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

PUBLIC NOTICE
INDIAN FISHING-HOOPA VALLEY AND YUROK INDIAN RESERVATION

Pre-season Adjustment to the Federal Regulations Governing Indian Fishing on the Hoopa Valley and Yurok Indian Reservations-1991.

This notice is published pursuant to provisions contained in 25 CFR Part 250, Sections 250.9 (d) and 250.12 which are a part of the Federal Regulations governing Indian fishing on the Hoopa Valley and Yurok Indian Reservations.

As Area Director of the Bureau of Indian Affairs, I have determined that a "resource crisis" involving Klamath River origin fall chinook salmon currently exists. The ocean stock size estimates for Klamath River salmon are projected to be near an all-time low.

Paragraph 10 of the Long-term Harvest Sharing Agreement signed on July 22, 1987 contains provisions for allocating subsistence fish to Native Americans under such emergency conditions.

Therefore, I am exercising my authority under 25 CFR Part 250 to establish a minimum harvest level of 12,000 Klamath River adult fall chinook salmon for Indian subsistence and ceremonial fisheries on the Klamath and Trinity Rivers in 1991. This will insure at least a minimum level of fish to meet the Federal Government's trust responsibility to Indian tribes and removes those fish from the harvestable surplus to be allocated among other user groups.

A Harvest Management Plan describing the details and conduct of the 1991 fall chinook subsistence fishery on the Yurok Indian Reservation will be prepared by the Bureau of Indian Affairs and published at a later date.

The Hoopa Valley tribal Council will regulate the fishery on the Hoopa Valley Indian Reservation.

As ordered by:

Edward A. Wilson

for RONALD M. JAEGER
Area Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825